

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendants,

-and-

**DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, DEEPROOT RE 12621 SILICON DR LLC,
AND ROBERT J. MUELLER, JEFFREY L.
MUELLER, AND BELINDA G. BREEN, AS CO-
TRUSTEES OF THE MB HALE OHANA
REVOCABLE TRUST,**

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

ORDER MODIFYING ASSET FREEZE

WHEREAS this matter comes before this Court upon the Joint Motion to Modify the Asset Freeze (“Joint Motion”) ordered by the Court in its September 23, 2021 Order Freezing Certain Assets, Ordering and Accounting, and Preliminary Injunction (Dkt. No. 7) (“Asset Freeze”) submitted by Plaintiff, Securities and Exchange Commission (the “Commission”), Defendants Deeproot Funds LLC and Policy Services, Inc., as well as Relief Defendants Deeproot Tech LLC, Deeproot Pinball LLC, and Deeproot Studios LLC (“Debtor Defendants”) by and through John Patrick Lowe in his capacity as the bankruptcy trustee (“Trustee”) appointed in the case pending under Chapter 7 of the Bankruptcy Code titled, *In re deeproot Capital Management LLC, et al.*, No. 21-51523 (Bankr. W.D. Tex. Jointly Admin.)

(“Bankruptcy Cases”), and Jeffrey L. Mueller and Belinda Breen as co-trustees of the MB Hale Ohana Revocable Trust (“Ohana Trust”) (collectively the “Settling Parties”).

WHEREAS, without admissions and without waiving any rights or remedies, the Settling Parties have agreed to modify the Asset Freeze to permit the release of funds currently held in the checking account in the name of MB Hale Ohana RT DTD 110516 ending in -6777 from First Hawaiian Bank (the “Ohana Trust Account”) so that it may be liquidated with all the funds transferred by the Ohana Trust to the Trustee in the Bankruptcy Cases pursuant to a settlement agreement between the Ohana Trust and the Trustee (Ohana Settlement Agreement) as approved by the Bankruptcy Court in the Bankruptcy Cases [*In re deeproot Capital Management LLC, et al.*, Dkt No. 166].

IT IS THEREFORE ORDERED THAT the September 23, 2021 Asset Freeze (ECF No. 7) is modified as follows:

1. As applied to Ohana Trust Account, the Asset Freeze is hereby lifted for the purpose of effectuating the Ohana Settlement Agreement as set forth below;
2. Relief Defendants Jeffrey L. Mueller and Belinda Breen as trustees of the MB Hale Ohana Revocable Trust are directed to promptly effect a transfer of all funds in the Ohana Trust Account to the Trustee in the Bankruptcy Case for the Debtor Defendants in accordance with the terms of the Settlement Agreement approved by the Bankruptcy Court in the Bankruptcy Cases.
3. Counsel for the Trustee will notify the Commission upon receipt of the funds from the Ohana Trust Account in accordance with the terms of the Ohana Settlement Agreement.
4. This Order does not otherwise alter or modify the Asset Freeze.

IT IS SO ORDERED.

Signed this 8th day of November, 2022



Xavier Rodriguez
UNITED STATES DISTRICT JUDGE